HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition no. 949 of 2002 (MS)
(Old No. 31625/1994)

State of U.P. ..... Petitioner

Versus

Bhagwati Prasad Dimari & another ..... Respondents

Dated: 19.8.2004

Hon. Rajesh Tandon J.

This file has been transferred from Allahabad High Court.

None appears for the parties. I have gone through the record of the case.

By the present writ petition the petitioner has prayed for a writ of certiorari quashing the order dated 18.2.1993 passed by the District Judge, Dehradun.

The short submission of the respondent is that he has no surplus land and the entire land is agricultural land . Since the Urban Land (Ceiling and Regulation) Act 1976, has been repealed, I find no merits in the writ petition. The matter is covered by the judgment of the Apex Court in the case Pt. Madan Swaroop Shrotiya Public Charitable Trust vs. State of U.P., 2000 AIR SCW 1882, the Apex court has held that since there is no evidence that the State had taken possession over the surplus land, the present proceedings have to be abated and are hereby abated under section 4 of the Urban Land (Ceiling and Regulation) Repeal Act, 1999.

In view of the aforesaid fact the writ petition is hereby dismissed. No order as to costs.

(Rajesh Tandon, J.)

19.8.2004
*Dhyani